

## **EXHIBIT D**

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**NOV 16 2007**

**HELLER EHRMAN**

Attorneys for Defendant  
TEACHSCAPE, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CANTER & ASSOCIATES, LLC and  
LAUREATE EDUCATION, INC.,

Plaintiffs,

v.

TEACHSCAPE, INC.,

Defendant.

Case No. C 07-3225 RS

**DEFENDANT TEACHSCAPE, INC.'S  
RESPONSE TO PLAINTIFFS' FIRST  
SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS AND  
THINGS (NOS. 1-80)**

**PROPOUNDING PARTIES: PLAINTIFF CANTER & ASSOCIATES, LLC and  
PLAINTIFF LAUREATE EDUCATION, INC.**

**RESPONDING PARTY: DEFENDANT TEACHSCAPE, INC.**

**SET NUMBER: One (1)**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant Teachscape, Inc. ("Teachscape") makes the following objections and responses to Plaintiffs Canter & Associates, LLC and Laureate Education's (collectively, "Plaintiffs") First Set Of Requests For Production Of Documents And Things ("Requests") served on it in the above-captioned matter:

**GENERAL STATEMENT AND OBJECTIONS**

Teachscape's Motion To Dismiss, which, among other things, notes the vagueness of the

**OBJECTIONS AND RESPONSES TO REQUESTS FOR PRODUCTION****REQUEST NO. 1:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Teacher as Leader" course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 1:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an

1 appropriate protective order.

2 **REQUEST NO. 2:**

3 Final versions and the earliest available drafts of documents and things intended to be,  
4 actually sent to, or made available to students or teachers relating to Teachscape's  
5 "Understanding Teaching and Learning" course, such as course websites, DVDs, videos, video  
6 media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,  
7 course log-ins, quizzes, tests, course outlines, and grading keys.

8 **RESPONSE TO REQUEST NO. 2:**

9 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
10 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
11 "intended to be," and "made available." Teachscape further objects to this request on the  
12 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
13 to this request on the ground that it calls for the production of confidential, proprietary and/or  
14 trade secret information of Teachscape, and Teachscape will not produce any such information  
15 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
16 extent that it calls for the production of non-party(ies)' confidential, proprietary and/or trade  
17 secret information. Teachscape further objects to this request to the extent that it calls for the  
18 production of documents neither relevant to the subject matter of the pending action nor  
19 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
20 objects to this request to the extent that it calls for the production of documents that are not in  
21 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
22 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
23 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
24 other requests contained herein.

25 Subject to and without waiving the foregoing specific and general objections set forth  
26 above, Teachscape responds as follows:

1 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
2 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
3 appropriate protective order.

4 **REQUEST NO. 3:**

5 Final versions and the earliest available drafts of documents and things intended to be,  
6 actually sent to, or made available to students or teachers relating to Teachscape's "Instructional  
7 Design; Effective Assessment" course, such as course websites, DVDs, videos, video media  
8 files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-  
9 ins, quizzes, tests, course outlines, and grading keys.

10 **RESPONSE TO REQUEST NO. 3:**

11 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
12 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
13 "intended to be," and "made available." Teachscape further objects to this request on the  
14 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
15 to this request on the ground that it calls for the production of confidential, proprietary and/or  
16 trade secret information of Teachscape, and Teachscape will not produce any such information  
17 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
18 extent that it calls for the production of non-party(ies)' confidential, proprietary and/or trade  
19 secret information. Teachscape further objects to this request on the ground that it calls for the  
20 production of documents neither relevant to the subject matter of the pending action nor  
21 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
22 objects to this request to the extent that it calls for the production of documents that are not in  
23 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
24 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
25 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
26 other requests contained herein.

27 Subject to and without waiving the foregoing specific and general objections set forth  
28

1 above, Teachscape responds as follows:

2 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
3 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
4 appropriate protective order.

5 **REQUEST NO. 4:**

6 Final versions and the earliest available drafts of documents and things intended to be,  
7 actually sent to, or made available to students or teachers relating to Teachscape's "Teacher as  
8 Researcher" course, such as course websites, DVDs, videos, video media files, CDs, audio  
9 media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests,  
10 course outlines, and grading keys.

11 **RESPONSE TO REQUEST NO. 4:**

12 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
13 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
14 "intended to be," and "made available." Teachscape further objects to this request on the  
15 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
16 to this request on the ground that it calls for the production of confidential, proprietary and/or  
17 trade secret information of Teachscape, and Teachscape will not produce any such information  
18 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
19 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
20 information. Teachscape further objects to this request to the extent that it calls for the  
21 production of documents neither relevant to the subject matter of the pending action nor  
22 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
23 objects to this request to the extent that it calls for the production of documents that are not in  
24 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
25 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
26 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
27 other requests contained herein.  
28

1 Subject to and without waiving the foregoing specific and general objections set forth  
2 above, Teachscape responds as follows:

3 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
4 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
5 appropriate protective order.

6 **REQUEST NO. 5:**

7 Final versions and the earliest available drafts of documents and things intended to be,  
8 actually sent to, or made available to students or teachers relating to Teachscape's "Meeting the  
9 Needs of All Students" course, such as course websites, DVDs, videos, video media files, CDs,  
10 audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes,  
11 tests, course outlines, and grading keys.

12 **RESPONSE TO REQUEST NO. 5:**

13 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
14 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
15 "intended to be," and "made available." Teachscape further objects to this request on the  
16 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
17 to this request on the ground that it calls for the production of confidential, proprietary and/or  
18 trade secret information of Teachscape, and Teachscape will not produce any such information  
19 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
20 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
21 information. Teachscape further objects to this request to the extent that it calls for the  
22 production of documents neither relevant to the subject matter of the pending action nor  
23 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
24 objects to this request to the extent that it calls for the production of documents that are not in  
25 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
26 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
27 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
28



1 other requests contained herein.

2 Subject to and without waiving the foregoing specific and general objections set forth  
3 above, Teachscape responds as follows:

4 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
5 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
6 appropriate protective order.

7 **REQUEST NO. 6:**

8 Final versions and the earliest available drafts of documents and things intended to be,  
9 actually sent to, or made available to students or teachers relating to Teachscape's "Foundations  
10 of Reading and Literacy" course, such as course websites, DVDs, videos, video media files,  
11 CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins,  
12 quizzes, tests, course outlines, and grading keys.

13 **RESPONSE TO REQUEST NO. 6:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
15 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
16 "intended to be," and "made available." Teachscape further objects to this request on the  
17 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
18 to this request on the ground that it calls for the production of confidential, proprietary and/or  
19 trade secret information of Teachscape, and Teachscape will not produce any such information  
20 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
21 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
22 information. Teachscape further objects to this request to the extent that it calls for the  
23 production of documents neither relevant to the subject matter of the pending action nor  
24 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
25 objects to this request to the extent that it calls for the production of documents that are not in  
26 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
27 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
28



1 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
2 other requests contained herein.

3 Subject to and without waiving the foregoing specific and general objections set forth  
4 above, Teachscape responds as follows:

5 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
6 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
7 appropriate protective order.

8 **REQUEST NO. 7:**

9 Final versions and the earliest available drafts of documents and things intended to be,  
10 actually sent to, or made available to students or teachers relating to Teachscape's "Assessment  
11 & Intervention for Struggling Readers" course, such as course websites, DVDs, videos, video  
12 media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,  
13 course log-ins, quizzes, tests, course outlines, and grading keys.

14 **RESPONSE TO REQUEST NO. 7:**

15 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
16 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
17 "intended to be," and "made available." Teachscape further objects to this request on the  
18 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
19 to this request on the ground that it calls for the production of confidential, proprietary and/or  
20 trade secret information of Teachscape, and Teachscape will not produce any such information  
21 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
22 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
23 information. Teachscape further objects to this request to the extent that it calls for the  
24 production of documents neither relevant to the subject matter of the pending action nor  
25 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
26 objects to this request to the extent that it calls for the production of documents that are not in  
27 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
28

1 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
2 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
3 other requests contained herein.

4 Subject to and without waiving the foregoing specific and general objections set forth  
5 above, Teachscape responds as follows:

6 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
7 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
8 appropriate protective order.

9 **REQUEST NO. 8:**

10 Final versions and the earliest available drafts of documents and things intended to be,  
11 actually sent to, or made available to students or teachers relating to Teachscape's "Reading in  
12 the Content Areas" course, such as course websites, DVDs, videos, video media files, CDs,  
13 audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes,  
14 tests, course outlines, and grading keys.

15 **RESPONSE TO REQUEST NO. 8:**

16 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
17 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
18 "intended to be," and "made available." Teachscape further objects to this request on the  
19 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
20 to this request on the ground that it calls for the production of confidential, proprietary and/or  
21 trade secret information of Teachscape, and Teachscape will not produce any such information  
22 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
23 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
24 information. Teachscape further objects to this request to the extent that it calls for the  
25 production of documents neither relevant to the subject matter of the pending action nor  
26 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
27 objects to this request to the extent that it calls for the production of documents that are not in  
28

1 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
2 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
3 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
4 other requests contained herein.

5 Subject to and without waiving the foregoing specific and general objections set forth  
6 above, Teachscape responds as follows:

7 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
8 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
9 appropriate protective order.

10 **REQUEST NO. 9:**

11 Final versions and the earliest available drafts of documents and things intended to be,  
12 actually sent to, or made available to students or teachers relating to Teachscape's "Master in  
13 Art of Teaching with a Focus on Elementary Reading & Literacy K-6" degree program offered  
14 through Marygrove, such as course websites, DVDs, videos, video media files, CDs, audio  
15 media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests,  
16 course outlines, and grading keys.

17 **RESPONSE TO REQUEST NO. 9:**

18 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
19 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
20 "intended to be," and "made available." Teachscape further objects to this request on the  
21 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
22 to this request on the ground that it calls for the production of confidential, proprietary and/or  
23 trade secret information of Teachscape, and Teachscape will not produce any such information  
24 absent entry of an appropriate protective order. Teachscape also objects to this request on the  
25 ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade  
26 secret information. Teachscape further objects to this request to the extent that it calls for the  
27 production of documents neither relevant to the subject matter of the pending action nor  
28

1 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
2 objects to this request to the extent that it calls for the production of documents that are not in  
3 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
4 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
5 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
6 other requests contained herein.

7 Subject to and without waiving the foregoing specific and general objections set forth  
8 above, Teachscape responds as follows:

9 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
10 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
11 appropriate protective order.

12 **REQUEST NO. 10:**

13 Final versions and the earliest available drafts of documents and things intended to be,  
14 actually sent to, or made available to students or teachers relating to Teachscape's "Master in  
15 Education in Reading & Literacy, K-6" degree program advertised in or around September  
16 2006, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi,  
17 course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and  
18 grading keys.

19 **RESPONSE TO REQUEST NO. 10:**

20 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
21 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
22 "intended to be," "made available" and "advertised." Teachscape also objects to this request to  
23 the extent it calls for speculation and lacks foundation. Teachscape further objects to this  
24 request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape  
25 further objects to this request to the extent it calls for the production of confidential, proprietary  
26 and/or trade secret information of Teachscape, and Teachscape will not produce any such  
27 information absent entry of an appropriate protective order. Teachscape objects to this request  
28

1 on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or  
2 trade secret information. Teachscape further objects to this request on the ground that it calls for  
3 the production of documents neither relevant to the subject matter of the pending action nor  
4 reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects  
5 to this request to the extent that it calls for the production of documents that are not in the  
6 possession, custody or control of Teachscape. Teachscape additionally objects to this request to  
7 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
8 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
9 other requests contained herein.

10 Subject to and without waiving the foregoing specific and general objections set forth  
11 above, Teachscape responds as follows:

12 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
13 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
14 appropriate protective order.

15 **REQUEST NO. 11:**

16 Final versions and the earliest available drafts of documents and things intended to be,  
17 actually sent to, or made available to students or teachers relating to Teachscape's "Problem  
18 Solving and Number & Operations, Grades K-5" course, such as course websites, DVDs,  
19 videos, video media files, CDs, audio media files, syllabi, course packets, study resources,  
20 articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

21 **RESPONSE TO REQUEST NO. 11:**

22 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
23 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
24 "intended to be," and "made available." Teachscape further objects to this request on the  
25 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
26 to this request on the ground that it calls for the production of confidential, proprietary and/or  
27 trade secret information of Teachscape, and Teachscape will not produce any such information  
28

absent entry of an appropriate protective order. Teachscape also objects to this request to the extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 12:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Problem Solving and Number & Operations, Grades 6-8" course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 12:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," and "made available." Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or



1 trade secret information of Teachscape, and Teachscape will not produce any such information  
2 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
3 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
4 information. Teachscape further objects to this request to the extent that it calls for the  
5 production of documents neither relevant to the subject matter of the pending action nor  
6 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
7 objects to this request to the extent that it calls for the production of documents that are not in  
8 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
9 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
10 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
11 other requests contained herein.

12 Subject to and without waiving the foregoing specific and general objections set forth  
13 above, Teachscape responds as follows:

14 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
15 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
16 appropriate protective order.

17 **REQUEST NO. 13:**

18 Final versions and the earliest available drafts of documents and things intended to be,  
19 actually sent to, or made available to students or teachers relating to Teachscape's  
20 "Measurement and Geometry, Grades K-5" course, such as course websites, DVDs, videos,  
21 video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,  
22 course log-ins, quizzes, tests, course outlines, and grading keys.

23 **RESPONSE TO REQUEST NO. 13:**

24 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
25 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
26 "intended to be," and "made available." Teachscape further objects to this request on the  
27 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
28



1 to this request on the ground that it calls for the production of confidential, proprietary and/or  
2 trade secret information of Teachscope, and Teachscope will not produce any such information  
3 absent entry of an appropriate protective order. Teachscope also objects to this request to the  
4 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
5 information. Teachscope further objects to this request to the extent that it calls for the  
6 production of documents neither relevant to the subject matter of the pending action nor  
7 reasonably calculated to lead to the discovery of admissible evidence. Teachscope further  
8 objects to this request to the extent that it calls for the production of documents that are not in  
9 the possession, custody or control of Teachscope. Teachscope further objects to this request to  
10 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
11 Teachscope further objects to this request on the ground and to the extent that it is duplicative of  
12 other requests contained herein.

13 Subject to and without waiving the foregoing specific and general objections set forth  
14 above, Teachscope responds as follows:

15 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce  
16 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
17 appropriate protective order.

18 **REQUEST NO. 14:**

19 Final versions and the earliest available drafts of documents and things intended to be,  
20 actually sent to, or made available to students or teachers relating to Teachscope's  
21 "Measurement and Geometry, Grades 6-8" course, such as course websites, DVDs, videos,  
22 video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,  
23 course log-ins, quizzes, tests, course outlines, and grading keys.

24 **RESPONSE TO REQUEST NO. 14:**

25 Teachscope objects to this request on the grounds that it is generally vague and ambiguous  
26 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
27 "intended to be," and "made available." Teachscope further objects to this request on the  
28

1 grounds that it is overly broad, unduly burdensome and oppressive. Teachscope further objects  
 2 to this request on the ground that it calls for the production of confidential, proprietary and/or  
 3 trade secret information of Teachscope, and Teachscope will not produce any such information  
 4 absent entry of an appropriate protective order. Teachscope also objects to this request to the  
 5 extent it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret  
 6 information. Teachscope further objects to this request to the extent that it calls for the  
 7 production of documents neither relevant to the subject matter of the pending action nor  
 8 reasonably calculated to lead to the discovery of admissible evidence. Teachscope further  
 9 objects to this request to the extent that it calls for the production of documents that are not in  
 10 the possession, custody or control of Teachscope. Teachscope further objects to this request to  
 11 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
 12 Teachscope further objects to this request on the ground and to the extent that it is duplicative of  
 13 other requests contained herein.

14 Subject to and without waiving the foregoing specific and general objections set forth  
 15 above, Teachscope responds as follows:

16 Should the Court deny Teachscope's Motion To Dismiss, Teachscope will produce  
 17 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
 18 appropriate protective order.

19 **REQUEST NO. 15:**

20 Final versions and the earliest available drafts of documents and things intended to be,  
 21 actually sent to, or made available to students or teachers relating to Teachscope's "Algebra,  
 22 Grades K-5" course, such as course websites, DVDs, videos, video media files, CDs, audio  
 23 media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests,  
 24 course outlines, and grading keys.

25 **RESPONSE TO REQUEST NO. 15:**

26 Teachscope objects to this request on the grounds that it is generally vague and ambiguous  
 27 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
 28

1 “intended to be,” and “made available.” Teachscope further objects to this request on the  
2 grounds that it is overly broad, unduly burdensome and oppressive. Teachscope further objects  
3 to this request on the ground that it calls for the production of confidential, proprietary and/or  
4 trade secret information of Teachscope, and Teachscope will not produce any such information  
5 absent entry of an appropriate protective order. Teachscope also objects to this request to the  
6 extent it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret  
7 information. Teachscope further objects to this request to the extent that it calls for the  
8 production of documents neither relevant to the subject matter of the pending action nor  
9 reasonably calculated to lead to the discovery of admissible evidence. Teachscope further  
10 objects to this request to the extent that it calls for the production of documents that are not in  
11 the possession, custody or control of Teachscope. Teachscope further objects to this request to  
12 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
13 Teachscope further objects to this request on the ground and to the extent that it is duplicative of  
14 other requests contained herein.

15 Subject to and without waiving the foregoing specific and general objections set forth  
16 above, Teachscope responds as follows:

17 Should the Court deny Teachscope’s Motion To Dismiss, Teachscope will produce  
18 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
19 appropriate protective order.

20 **REQUEST NO. 16:**

21 Final versions and the earliest available drafts of documents and things intended to be,  
22 actually sent to, or made available to students or teachers relating to Teachscope’s “Algebra,  
23 Grades 6-8” course, such as course websites, DVDs, videos, video media files, CDs, audio  
24 media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests,  
25 course outlines, and grading keys.

26 **RESPONSE TO REQUEST NO. 16:**

27 Teachscope objects to this request on the grounds that it is generally vague and ambiguous  
28

1 and specifically vague and ambiguous as to the words and phrases “earliest available,” “drafts,”  
2 “intended to be,” and “made available.” Teachscape further objects to this request on the  
3 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
4 to this request on the ground that it calls for the production of confidential, proprietary and/or  
5 trade secret information of Teachscape, and Teachscape will not produce any such information  
6 absent entry of an appropriate protective order. Teachscape also objects to this request to the  
7 extent it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret  
8 information. Teachscape further objects to this request to the extent that it calls for the  
9 production of documents neither relevant to the subject matter of the pending action nor  
10 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
11 objects to this request to the extent that it calls for the production of documents that are not in  
12 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
13 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
14 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
15 other requests contained herein.

16 Subject to and without waiving the foregoing specific and general objections set forth  
17 above, Teachscape responds as follows:

18 Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce  
19 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
20 appropriate protective order.

21 **REQUEST NO. 17:**

22 Final versions and the earliest available drafts of documents and things intended to be,  
23 actually sent to, or made available to students or teachers relating to Teachscape’s “Data  
24 Analysis and Probability, Grades K-5” course, such as course websites, DVDs, videos, video  
25 media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts,  
26 course log-ins, quizzes, tests, course outlines, and grading keys.

27 **RESPONSE TO REQUEST NO. 17:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases “earliest available,” “drafts,” “intended to be,” and “made available.” Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 18:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape’s “Data Analysis and Probability, Grades 6-8” course, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 18:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases “earliest available,” “drafts,” “intended to be,” and “made available.” Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request to the extent it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 19:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape’s “Master in Art of Teaching with a Focus on Elementary Mathematics, Grades K-5” degree program offered through Marygrove, such as course websites, DVDs, videos, video media files, CDs, audio



media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 19:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases “earliest available,” “drafts,” “intended to be,” and “made available.” Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request on the ground that it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape also objects to this request on the ground that it calls for the production of non-party(ies)’ confidential, proprietary and/or trade secret information. Teachscape further objects to this request to the extent that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape further objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape further objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape’s Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.



**REQUEST NO. 20:**

Final versions and the earliest available drafts of documents and things intended to be, actually sent to, or made available to students or teachers relating to Teachscape's "Master in Education in Mathematics, Grades K-5" degree program advertised in or around September 2006, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and grading keys.

**RESPONSE TO REQUEST NO. 20:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts," "intended to be," "made available" and "advertised." Teachscape also objects to this request to the extent it calls for speculation and lacks foundation. Teachscape further objects to this request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects to this request to the extent it calls for the production of confidential, proprietary and/or trade secret information of Teachscape, and Teachscape will not produce any such information absent entry of an appropriate protective order. Teachscape objects to this request on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade secret information. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects to this request to the extent that it calls for the production of documents that are not in the possession, custody or control of Teachscape. Teachscape additionally objects to this request to the extent that it calls for the production of documents that are publicly available to Plaintiffs. Teachscape further objects to this request on the ground and to the extent that it is duplicative of other requests contained herein.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

1 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
2 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
3 appropriate protective order.

4 **REQUEST NO. 21:**

5 Final versions and the earliest available drafts of documents and things intended to be,  
6 actually sent to, or made available to students or teachers relating to Teachscape's "Master in  
7 Art of Teaching with a Focus on Mathematics, Grades 6-8" degree program offered through  
8 Marygrove, such as course websites, DVDs, videos, video media files, CDs, audio media files,  
9 syllabi, course packets, study resources, articles, texts, course log-ins, quizzes, tests, course  
10 outlines, and grading keys.

11 **RESPONSE TO REQUEST NO. 21:**

12 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
13 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
14 "intended to be," and "made available." Teachscape further objects to this request on the  
15 grounds that it is overly broad, unduly burdensome and oppressive. Teachscape further objects  
16 to this request on the ground that it calls for the production of confidential, proprietary and/or  
17 trade secret information of Teachscape, and Teachscape will not produce any such information  
18 absent entry of an appropriate protective order. Teachscape also objects to this request on the  
19 ground that it calls for the production of non-party(ies)' confidential, proprietary and/or trade  
20 secret information. Teachscape further objects to this request to the extent that it calls for the  
21 production of documents neither relevant to the subject matter of the pending action nor  
22 reasonably calculated to lead to the discovery of admissible evidence. Teachscape further  
23 objects to this request to the extent that it calls for the production of documents that are not in  
24 the possession, custody or control of Teachscape. Teachscape further objects to this request to  
25 the extent that it calls for the production of documents that are publicly available to Plaintiffs.  
26 Teachscape further objects to this request on the ground and to the extent that it is duplicative of  
27 other requests contained herein.

1 Subject to and without waiving the foregoing specific and general objections set forth  
2 above, Teachscape responds as follows:

3 Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce  
4 responsive, non-privileged documents at a mutually convenient time and place upon entry of an  
5 appropriate protective order.

6 **REQUEST NO. 22:**

7 Final versions and the earliest available drafts of documents and things intended to be,  
8 actually sent to, or made available to students or teachers relating to Teachscape's "Master in  
9 Education in Mathematics, Grades 6-8" degree program advertised in or around September  
10 2006, such as course websites, DVDs, videos, video media files, CDs, audio media files, syllabi,  
11 course packets, study resources, articles, texts, course log-ins, quizzes, tests, course outlines, and  
12 grading keys.

13 **RESPONSE TO REQUEST NO. 22:**

14 Teachscape objects to this request on the grounds that it is generally vague and ambiguous  
15 and specifically vague and ambiguous as to the words and phrases "earliest available," "drafts,"  
16 "intended to be," "made available" and "advertised." Teachscape also objects to this request to  
17 the extent it calls for speculation and lacks foundation. Teachscape further objects to this  
18 request on the grounds that it is overly broad, unduly burdensome and oppressive. Teachscape  
19 further objects to this request to the extent it calls for the production of confidential, proprietary  
20 and/or trade secret information of Teachscape, and Teachscape will not produce any such  
21 information absent entry of an appropriate protective order. Teachscape objects to this request  
22 on the ground that it calls for the production of non-party(ies)' confidential, proprietary and/or  
23 trade secret information. Teachscape further objects to this request on the ground that it calls for  
24 the production of documents neither relevant to the subject matter of the pending action nor  
25 reasonably calculated to lead to the discovery of admissible evidence. Teachscape also objects  
26 to this request to the extent that it calls for the production of documents that are not in the  
27 possession, custody or control of Teachscape. Teachscape additionally objects to this request to  
28

responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

**REQUEST NO. 80:**

All documents and things relating to Teachscape's document retention or destruction policies from 2002 to the present.

**RESPONSE TO REQUEST NO. 80:**

Teachscape objects to this request on the grounds that it is generally vague and ambiguous and specifically vague and ambiguous as to the phrases "document retention" and "destruction policies." Teachscape further objects to this request to the extent it calls for the production of documents protected by the attorney-client privilege, work product doctrine or other applicable privilege or protection. Teachscape further objects to this request on the ground that it calls for the production of confidential and proprietary information of Teachscape, and Teachscape will not produce such information absent entry of an appropriate protective order. Teachscape further objects to this request on the ground that it calls for the production of documents neither relevant to the subject matter of the pending action nor reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing specific and general objections set forth above, Teachscape responds as follows:

Should the Court deny Teachscape's Motion To Dismiss, Teachscape will produce responsive, non-privileged documents at a mutually convenient time and place upon entry of an appropriate protective order.

Dated: November 14, 2007

SONNENSCHN NATH & ROSENTHAL LLP

By   
GAYLE M. ATHANACIO

Attorneys for Defendant  
TEACHSCAPE, INC.